



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,407	04/23/2001	Carol Lefebvre Du Grosriez	5473	2411

6858 7590 11/15/2004

BREINER & BREINER  
115 NORTH HENRY STREET  
P. O. BOX 19290  
ALEXANDRIA, VA 22314

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT PAPER NUMBER

1772

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/839,407

Applicant(s)

DU GROSRIEZ ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 21-25 and 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **RESPONSE TO AMENDMENT**

1. Claims 21-31 are pending in the application, claims 1-20 have been cancelled.
2. Amendments to the claims, filed on September 1, 2004, have been entered in the above-identified application.

### ***WITHDRAWN REJECTIONS***

3. The 35 U.S.C. §103 rejection of claims 21-25 and 28-30 as over Walbrun (US Patent No. 4,307,141) in view of Merker (US Patent No. 6,214,146), made of record in the office action mailed March 16, 2004, pages 3-6, paragraph #7 has been withdrawn due to Applicant's amendment in the response filed September 1, 2004.

### ***REJECTIONS***

4. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-25 and 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case amended claim 21 contains the limitation "free edges." The specification does not disclose "free edges".

The new matter should be deleted.

7. Claims 21-25 and 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "free edges" in claim 21 is unclear which renders the claims vague and indefinite. Since the specification does not contain the term "free edges" it is unclear what is meant by the term.

#### ***Claim Rejections - 35 USC § 103***

8. Claims 21-25 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wandel (U.S. Patent No. 2,020,668) in view of Walbrun (U.S. Patent No. 4,307,141).

Wandel discloses a cellulose crepe paper towel (*col. 1, lines 1-9*).

Regarding Applicant's claims 21 and 22, Wandel discloses an absorbent paper product (*paper towel, col. 1, line 4*) comprising at least two superposed plies (*two sheets, col. 2, lines 45-46*) cut or precut into a format with free edges (*col. 2, line 52 through col. 3, line 5 and figures 1 and 3*), a peripheral zone along said edges (*band and hem, col. 2, line 55*), and a central zone enclosed by said peripheral zone (*central portion bounded by band, col. 2, line 52 and figure 1*).

Art Unit: 1772

The plies are joined together by marking patterns (*band*) at compacted zones on one side of the plies without corresponding salients on an opposite side of the plies without glue at least along a segment of the peripheral zone (*col. 3, lines 5-14*).

Furthermore, the at least two plies have a thickness along the peripheral zone which is less than the thickness along the peripheral zone which is less than the thickness of the at least two plies in the central zone (*figure 2*).

Wandel fails to disclose wherein at least one of the at least two superposed plies has an embossing pattern in the central zone or wherein each of the at least two plies has embossing patterns in the central zone.

Walburn discloses a multi-ply fibrous sheet structure such as paper towel (*col. 1, lines 8-11*). The sheet comprises at least two superposed plies (*pair of webs, col. 2, line 25*) and each of the at least two plies has an embossing pattern (*col. 2, lines 25-31*).

The multi-fibrous sheet has improved absorbency and softness (*col. 1, lines 36-38*).

Wandel and Walburn are analogous because they both disclose paper towels.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Walburn's embossing pattern to the central zone of both plies of Wandel in order to improve the water holding capacity of Wandel. One of ordinary skill in the art would have been motivated to emboss the plies because it would improve absorbency and softness (*col. 1, lines 36-38*).

Regarding Applicant's claim 23, the combination of Wandel and Walburn disclose that the embossing patterns in the central zone are the same or different, see Wandel figure 1 and Walburn figure 2.

Regarding Applicant's claim 24, Walburn discloses wherein narrowest parts of the embossing patterns point inwardly between the at least two plies (*figure 2*).

Regarding Applicant's claim 25, Wandel discloses wherein at least one of the at least two plies has marking patterns solely in the peripheral zone (*figure 1*).

Regarding Applicant's claim 28, figures 2 and 3 in Walbrun show that the embossments make a filigree, ornamental work, marking pattern.

Regarding Applicant's claim 29, Walburn discloses wherein the at least two plies are joined to each other by embossing the central zone of each ply (*figure 3*).

Regarding Applicant's claim 30, Walburn discloses wherein the central zone of one ply has a decoration including embossed and unembossed portions (*figure 2*).

Regarding Applicant's claim 31, Wandel shows that the marking patterns constitute filigrees (*figure 1*), ornamental work, marking pattern.

#### ***Allowable Subject Matter***

9. Claims 26 and 27 are allowed.

#### ***REASONS FOR ALLOWANCE***

10. The following is an examiner's statement of reasons for allowance:

The broadest allowable claim is: claim 26.

11. The closest prior art found is summarized above. The prior art fails to teach or suggest paper products wherein in said peripheral zone, at least one of the at least two plies has marking patterns at least partly the same as the embossing patterns.

Art Unit: 1772

In sum, the prior art of record fails to teach or suggest an absorbent paper product having all the features of claim 26.

### ***ANSWERS TO APPLICANT'S ARGUMENTS***

12. Applicant's arguments in the response filed August 16, 2004 regarding the previous rejections of record have been considered but are moot since the rejections have been withdrawn.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

11/10/04



  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER

1772

11/12/04